

Remarks

This Response is considered fully responsive to the Final Office Action mailed 24 December 2009. Claims 1-51 were pending in the application. Claims 1-34 and 45-51 stand rejected. Claims 35-44 are objected to. In this Response, no claims added, amended, or canceled. Reexamination and reconsideration are requested.

Double Patenting Rejections

The Office has provisionally rejected claims 1-34 and 45-51 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4, 7-9, 13 and 16-20 of copending Application No. 10/955,557.

The Applicant is filing herewith a terminal disclaimer that has been signed by an attorney of record in compliance with 37 CFR § 1.321(c). The Applicant respectfully submits that this terminal disclaimer overcomes the provisional rejection of claims 1-34 and 45-51 under the judicially created doctrine of obviousness-type double patenting. Accordingly, the Applicant requests that the provisional rejection of claims 1-34 and 45-51 be withdrawn. This terminal disclaimer is being filed for the purpose of expediting prosecution and should not be construed as acquiescence to obviousness-type double patenting.

Claim Objections

The Office has objected to claims 35-44 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the aforementioned terminal disclaimer, claims 26 and 30 are allowable. Further, claims 35-44 are allowable at least based on the allowability of claims 26 and 30 from which claims 35-44 depend. The Applicant respectfully requests that the objection to claims 35-44 be withdrawn.

Conclusion

Claims 1-51 are currently pending in the application. The Applicant has fully responded to each and every objection and rejection in the Final Office action dated 24 December 2009 and believes that claims 1-51 are in a condition for allowance. The Applicant therefore requests that a timely Notice of Allowance be issued in this case.

The Applicant hereby submits a Terminal Disclaimer and the required fee with this response.

The Applicant believes no other fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 50-3199 as necessary.

If the Examiner believes any issues could be resolved via a telephone interview, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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